

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America )

v. )

John J. Black, Jr. )

Case No: 8:08CR317

USM No: 20453-047

Date of Previous Judgment: 02/05/2009 )

Jeffrey L. Thomas

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 60 months.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23

Amended Offense Level: 19

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 84 to 105 months

Amended Guideline Range: 60 to 71 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 02/05/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 01/24/2012

s/Joseph F. Bataillon

Judge's signature

Effective Date: 01/26/2012

(if different from order date)

Joseph F. Bataillon, U.S. District Judge

Printed name and title